

**REMARKS**

Upon entry of the Amendment, Claims 1-7 and 9-24 will be pending in the application.

Claim 1 is amended to incorporate the subject matter of Claim 8, now canceled, and to incorporate "a recording layer" on one side of the substrate. Support can be found, for example, at page 57, lines 17-19, and in the Examples starting on page 65 of the specification as originally filed.

Claims 1-7 and 9-17 are amended to clarify that the present invention is directed to an "optical information recording medium".

Claims 1, 2, 12 and 14 are amended to delete "fine" before "particles".

New Claims 18-19 find support, for example, at page 13, lines 3-4.

New Claim 20 finds support, for example, at page 56, lines 1-3.

New Claims 21-22 find support, for example, at page 53, lines 3-5.

New Claim 23 finds support, for example, at page 53, last line.

New Claim 24 finds support, for example, at page 54, first line.

No new matter is added.

Entry of the Amendment along with reconsideration and review of the claims on the merits are respectfully requested.

***Response to Claim Objections***

Claims 1, 2, 12 and 14 are objected to because the use of the term "fine" allegedly renders the claim ambiguous.

In response, without conceding the merits of the objection, Applicants delete the term "fine" from claims 1, 2, 6, 7, 12 and 14 so as to overcome the objection.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to Claims 1, 2, 12 and 14.

***Response to Double Patenting Rejection***

Claims 1-7 and 9-17 are rejected under the judicially created doctrine of obviousness-type double patenting as assertedly being unpatentable over claims 1-7 of US Patent Application Publication No. 2005/0064114 A1 (Matsubaguchi et al.).

Applicants respond as follows.

The claims of the present invention are directed to an "optical information recording medium", including the additional element of a recording layer, where present Claim 1 requires at least that "the diffusion reflectance of the undercoat layer is 10% or more", which is not disclosed or rendered obvious from claims 1-7 of Matsubaguchi et al.

Furthermore, present Claim 1 is amended to incorporate the subject matter of Claim 8 directed to require the optical information recording medium to have "a surface glossiness of 30% or more at 60°", which is not disclosed or rendered obvious from claims 1-7 of Matsubaguchi et al.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the double patenting rejection.

***Response to Claim Rejections Under 35 U.S.C. § 102***

Claims 1-17 are rejected under 35 U.S.C. §102(e) as assertedly being anticipated by Koike et al. (US 6,777,039 B2).

The Examiner cites Koike et al. as disclosing an ink jet recording sheet having a colorant-receiving layer comprising fine particles, polyvinyl alcohol, a boron compound and a mordant. Although Koike et al. does not specifically disclose the diffusion reflectance of the undercoat layer being 10% or more, the Examiner's position is that the undercoat layer disclosed in the cited art inherently possesses the same diffusion reflectance, and thus the claims cannot be patentably distinguishable from Koike et al.

Applicants respond as follows.

Independent Claim 1 is amended as previously noted.

Koike fails to anticipate the optical information recording medium of the present invention.

The present invention is directed to an optical information recording medium, such as CDs and DVDs, whereas Koike et al. only discloses an inkjet recording sheet, and does not disclose an optical information recording medium. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (see *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Koike et al. neither discloses nor suggests an optical information recording medium or a recording layer, and thus the claims are patentably distinguishable therefrom.

In addition to obtaining an image with high resolution and high density similar to ink-jet recording sheets, Applicants describe unique beneficial characteristics for an optical information recording medium such as obtaining a balance between image quality and strength. Achieving this unique balance in an optical information recording medium is difficult to obtain. Applicants have discovered an optical information recording medium that satisfies the need for an information medium which (1) is highly safe in handling, (2) has a colorant receiving layer in which a high-quality image can be recorded, and (3) comprises a colorant receiving layer having sufficient surface strength. (see page 3, lines 10-17).

Unlike ink-jet recording sheets, the optical information recording medium of the present invention has strong bending resistance. When any ink-jet recording sheet is bent by a strong force, defects such as cracks occur in the surface thereof. However, the substrate of the present optical information recording medium is thicker than any ordinary ink-jet recording sheet. Thus, the present invention has strong resistance against stress from the outside, such as bending force (see page 52, lines 17-22). Furthermore, present Claim 1 also requires that “the diffusion reflectance of the undercoat layer is 10% or more” and “a surface glossiness of 30% or more at 60°”, which elements are not disclosed or rendered obvious from Koike et al.

The optical information recording medium of the present invention shows improved recording properties when it exhibits a glossiness of 30% or more at 60°. In the present invention, the colorant receiving layer is different from any colorant receiving layer made from ultraviolet ray curable resin known in the prior art, thereby making it possible to decrease the necessary amount of ultraviolet rays radiated onto the information medium which allows for

improved recording properties such as jitter (see page 52, lines 6-15).

Furthermore, for example, in the first aspect of the invention, an undercoat layer having a diffusion reflectance of 10% or more is formed below the colorant receiving layer. By forming such an undercoat layer, a photographic property image quality, like an image quality on photographic paper, can be improved. The diffusion reflectance of the undercoat layer needs to be 10% or more. By making the undercoat layer white, such advantageous effects common to ordinary photographic paper can be obtained in the present optical information recording medium (see pages 52-53, bridging paragraph).

Thus, for the foregoing reasons, the inkjet recording sheet disclosed in Koike et al. fails to disclose or even suggest the optical information recording medium of the present invention.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e).

### ***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
Appln. No.: 10/798,282

Atty. Docket No. Q79893

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

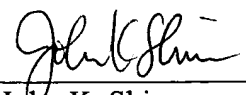
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